

Message Text

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PAGE 01 PRETOR 04319 280723Z
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C O N F I D E N T I A L PRETORIA 4319

E.O. 11652: GDS
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SUBJECT: INFORMATION ON SOUTH AFRICAN LABOR STANDARDS

REF: STATE 136706

INFORMATION IS PROVIDED BELOW ON SOUTH AFRICAN LABOR
STANDARDS AND THEIR POSSIBLY DISTORTING EFFECT ON INTERNATIONAL
TRADE.

1. THERE IS NO SPECIFIC LAW DEALING WITH SLAVE OR FORCED
LABOR IN EXPORT, IMPORT SUBSTITUTING OR GENERAL PRODUCTION.
THE WAGE ACT (NO. 5 OF 1957) PURPORTS TO ESTABLISH A "LIVING WAGE"
THROUGHOUT THE COUNTRY. IT DOES NOT APPLY TO AGRICULTURAL OR
DOMESTIC WORKERS.

2. CHILD LABOR STANDARDS AND MINIMUM AGE REQUIREMENTS CAN
BE FOUND IN NINE ACTS. THEY ARE AS FOLLOWS:

- A) CHILDRENS ACT: GIVES A LEGAL DEFINITION OF "CHILD".
- B) INDUSTRIAL CONCILIATION ACT: APPLIES TO ORGANIZED LABOR.
PROHIBITS EMPLOYMENT OF ANYONE UNDER THE AGE OF 15.
- C) FACTORIES ACT: PROHIBITS ANYONE UNDER THE AGE OF 15
FROM WORKING IN A FACTORY.
- D) SHOPS AND OFFICES ACT: PROHIBITS ANYONE UNDER THE AGE OF 15
FROM WORKING IN A SHOP OR OFFICE. FURTHER STATES THAT NO FEMALE

CONFIDENTIAL

PAGE 02 PRETOR 04319 280723Z

UNDER THE AGE OF 18 YEARS MAY WORK LATER THAN 8:00 P.M. IN AN
EATING ESTABLISHMENT OR LATER THAN 6:30 P.M. IN OTHER SHOPS AND
OFFICES.

E) WAGES ACT: AIMED AT UNORGANIZED LABOR. PROHIBITS EMPLOYMENT
OF ANYONE UNDER THE AGE OF 15.

F) BANTU BUILDING WORKERS ACT: PROHIBITS BLACKS UNDER THE AGE OF
18 FROM WORKING IN THE BUILDING INDUSTRY.

G) APPRENTICESHIP ACT: STATES THAT APPRENTICES MUST BE BETWEEN THE AGES OF 15 AND 21.

H) TRAINING OF ARTISAN ACT: PROVIDES PROTECTION FOR "APPRENTICES" ABOVE THE AGE OF 21.

I) ELECTRO-TECHNICAL WIRE WORKERS ACT: PROHIBITS ANYONE UNDER THE AGE OF 20 FROM WORKING IN THE ELECTRO-TECHNICAL FIELD.

3. OCCUPATIONAL SAFETY AND HEALTH IS COVERED BY THE FACTORIES, MACHINERY AND BUILDING WORK ACT OF 1941. EMPLOYERS MUST REMOVE DUST, FLUFF, FUMES, SMOKE OR OFFENSIVE GASES TO LEVELS BELOW THRESHOLD LIMIT VALUES OF TOXIC SUBSTANCES CORRESPONDING TO THOSE OF ILO CONVENTIONS. DETAILS OF STANDARDS FOR SIX SUBSTANCES MENTIONED IN REFTEL ARE BEING POUCHED.

4. NO LAW OR PRACTICE APPLIES DIFFERENTIAL LABOR REGULATIONS OR STANDARDS TO ANY AREA IN QUESTION. THE INDUSTRIAL CONCILIATION ACT (NO. 28 OF 1956) DOES PERMIT THE GOVERNMENT TO DECLARE AN INDUSTRY OF "NATIONAL IMPORTANCE" AND IN SO DOING PROHIBITS A STRIKE BUT THIS IS NOT SPECIFICALLY AIMED AT EXPORT PRODUCTION OR IMPORT SUBSTITUTION PRODUCTION.

5. A COMPLEX NETWORK OF LAWS AND LABOR PRACTICES APPLYING TO THE ENTIRE ECONOMY EFFECTIVELY LIMIT THE ABILITY OF BLACKS TO JOIN UNIONS, BARGAIN COLLECTIVELY OR TO STRIKE. WHILE THERE IS NO LIMIT ON WAGE LEVELS, THE LABOR MARKET IS DISTORTED BY RESTRICTIONS AND BY THE INABILITY OF BLACKS TO

CONFIDENTIAL

PAGE 03 PRETOR 04319 280723Z

BARGAIN AND TO SELL THEIR LABOR IN THE BEST MARKET. BLACK WAGES IN 1977 WERE 13 PERCENT OF WHITE WAGES IN MINING, 20 PERCENT OF WHITE WAGES IN CONSTRUCTION AND 23 PERCENT IN MANUFACTURING.

UNDER THE INDUSTRIAL CONCILIATION ACT, BLACKS MAY NOT BELONG TO REGISTERED TRADE UNIONS. THEY THUS CANNOT PARTICIPATE IN INDUSTRIAL COUNCIL NEGOTIATIONS BETWEEN WHITE, ASIAN AND COLORED WORKERS AND EMPLOYERS ON WAGES AND WORK CONDITIONS. UNREGISTERED BLACK UNIONS CAN CONCLUDE SEPARATE CIVIL LAW AGREEMENTS WITH EMPLOYERS COVERING WAGES AND WORK CONDITIONS BUT SCARCELY ANY SUCH AGREEMENTS HAVE BEEN ENTERED INTO BY EMPLOYERS.

THE FOLLOWING ARE EXAMPLES OF LAWS AND PRACTICES RESULTING IN ARTIFICIALLY DEPRESSED WAGES FOR BLACKS: PROHIBITIONS ON BLACKS BECOMING JOURNEYMEN WHICH EFFECTIVELY INTRODUCES JOB RESERVATION; JOB RESERVATION FOR BRICKLAYERS, CARPENTERS, ELECTRICIANS, ETC., UNDER BANTU BUILDING WORKERS ACT; GOVERNMENT POLICY AGAINST WHITES WORKING SIDE-BY-SIDE WITH BLACKS OR BEING SUPERVISED BY BLACKS; POWER OF MINISTER OF LABOR TO PROHIBIT BLACK WORKERS IN SPECIFIED AREAS OR CLASSES OF EMPLOYMENT; LAWS RESTRICTING RIGHTS OF BLACKS TO LIVE AND WORK IN URBAN AREAS AND TO MOVE FROM ONE AREA TO ANOTHER WITHOUT PERMISSION. INFERIOR EDUCATION AND LIMITED TRAINING OPPORTUNITIES ALSO PREVENT BLACKS FROM ACQUIRING SKILLS, RESULTING IN AN ARTIFICIAL DEMAND

FOR WHITE LABOR AND INFLATED WAGE RATES FOR WHITES.
SOME EASING OF THESE RESTRAINTS MAY OCCUR AS A RESULT
OF THE WIEHAHN AND RIEKERT COMMISSIONS OF INQUIRY
INTO LAWS AND PRACTICES AFFECTING BLACK WORKERS.
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